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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|------------------------|---------------------|------------------|
| 09/770,162 | 01/26/2001 | La Vaughn F. Watts JR. | M-9875 US | 8091 |
| 33438 | 7590 | 08/26/2004 | EXAMINER | |
| HAMILTON & TERRILE, LLP | | | YUN, EUGENE | |
| P.O. BOX 203518 | | | ART UNIT | |
| AUSTIN, TX 78720 | | | PAPER NUMBER | |

2682

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/770,162 | Applicant(s) WATTS ET AL. | |
| | Examiner Eugene Yun | Art Unit 2682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims ^{1,27}1 are rejected under 35 U.S.C. 102(e) as being anticipated by Mousseau et al. (US 6,779,019).

Referring to Claim 1, Mousseau teaches a mobile computing system comprising of:

a communication device (fig. 1);

a personal computing system (PC) 10A (fig. 1) coupled to the communication device, the PC including a storage device capable of receiving and storing messages from the communication device 30 (fig. 1);

a personal digital assistant system (PDA) 24 (fig. 1) coupled to the communication device, the PDA including a storage device capable receiving and storing messages from the communication device, whereby the storage device of the PC is capable of synchronizing messages received from the communication device with the storage device of the PDA (see col. 6, lines 22-43); and

a common peripheral coupled to the PC and the PDA, one of the PC and the PDA controlling the common peripheral (see 18 of fig. 1 noting that desktop computer 10A controls the common peripheral).

Referring to Claim 2, Mousseau also teaches the storage device of the PC as a memory array comprised of a set of records, and the storage device of the PDA is a memory array comprised of a set of records (see col. 7, lines 32-43).

Referring to Claim 3, Mousseau also teaches direct correspondence established between the set of records of the PC memory array and the set of records of the PDA memory array (see col. 7, lines 32-43).

Referring to Claim 4, Mousseau also teaches messages synchronized between the memory array of the PC and the memory array of the PDA (see col. 7, lines 27-31).

Referring to Claim 5, Mousseau also teaches messages synchronized between the records of the PC memory array and records of the PDA memory array (see col. 7, lines 27-31).

Referring to Claim 6, Mousseau also teaches a hard disk drive 10A (fig. 1 noting that every desktop computer has a hard disk drive).

Referring to Claim 7, Mousseau also teaches the hard disk drive comprised of a memory array, and the PDA storage device comprised of a memory array, wherein the PC hard disk drive memory array corresponds directly to the PDA memory array (see col. 7, lines 32-43).

Referring to Claim 8, Mousseau teaches a mobile computing system comprising of:

- a communication device (fig. 1);
- a personal computing system (PC) 10A (fig. 1) coupled to the communication device, capable of receiving messages through the communication device;
- a personal digital assistant system (PDA) 24 (fig. 1) coupled to the communication device, capable of receiving messages through the communication device and synchronizing the messages received through the communication device with the PC (see col. 6, lines 22-43); and
- a common peripheral coupled to the PC and the PDA, one of the PC and the PDA controlling the common peripheral (see 18 of fig. 1 noting that desktop computer 10A controls the common peripheral).

Referring to Claim 9, Mousseau also teaches the PDA comprising a memory array where messages are received and entered, and the memory array is synchronized into the PC (see col. 7, lines 32-43).

Referring to Claim 10, Mousseau also teaches the PC comprised of a memory array synchronized to the memory array of the PDA (see col. 7, lines 32-43).

Referring to Claim 11, Mousseau also teaches PC comprised of a hard disk drive synchronized to the memory array of the PDA 10A (fig. 1 noting that every desktop computer has a hard disk drive).

Referring to Claim 12, Mousseau teaches a method of clearing and archiving messages in a dual system computer architecture, the dual system computer architecture including a first computer system 10A (fig. 1) coupled to a communication device and a second computer system 24 (fig. 1) coupled to a communication device, the method comprising:

receiving and storing messages by the first computer system to a first memory device 30 (fig. 1);

synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device (see col. 6, lines 22-43);

and

deleting synchronized and archived messages whenever the first memory device is filled (see col. 23, lines 15-23).

Referring to Claim 13, Mousseau also teaches identifying the deleted messages in the first memory devices (see col. 23, lines 15-23).

Referring to Claim 16, Mousseau teaches a method of clearing and archiving messages in a dual system computer architecture, the dual system computer architecture including a first computer system 10A (fig. 1) coupled to a communication device and a second computer system 24 (fig. 1) coupled to a communication device, the method comprising:

receiving and storing messages by the first computer system to a first memory device 30 (fig. 1);

synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device (see col. 6, lines 22-43); and

informing a user whenever the first memory device is filled (see col. 23, lines 15-23).

Referring to Claim 17, Mousseau also teaches deleting messages from the first memory device after the messages have been read by the user (see col. 23, lines 1-5).

Referring to Claims 14, 15, 18, and 19, Mousseau also teaches the first computer system as a PDA and the second computer system as a PC (see fig. 1).

Referring to Claims 20-27, Mousseau also teaches setting preferences as to received and stored messages (see col. 24, lines 30-40).


Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eugene Yun
Examiner
Art Unit 2682

EY


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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